

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Confirmation No.: 2041

Jurgen OSTERLANGER

Date: June 27, 2008

Serial No.: 10/528,271

Group Art Unit: 3682

Filed: April 25, 2005

Examiner: William C. Joyce

For: BALL SCREW AND METHOD FOR PRODUCING A SPINDLE NUT, IN
PARTICULAR OF A BALL SCREW

VIA EFS-WEB

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Sir:

Responsive to the Restriction Requirement mailed May 29, 2008, Applicant elects group II, claims 5-8, drawn to a spindle nut.

The restriction requirement is respectfully traversed.

Both the non-elected method claims and the elected product claims are so linked as to form a single general inventive concept. In method claim 1, a hole punch punches out the through opening from the radially inward to the radially outward side. The specification at page 2 toward the end of the page, which is reproduced with formal amendments in Applicant's Preliminary Amendment filed with the application, states:

On the finished workpiece, this punching draw-in is manifested as a slight rounding at the punched opening...This means that, in particular, the rim at the transition from the through-opening to the thread groove of the spindle nut takes the form of a slight convex rounding.

The corresponding product claims which results from the performance of the method, claim 6, final element in the currently amended version in Applicant's Preliminary Amendment filed with the application, states:

a rim of the through opening which is lying on the inner circumference of the spindle has a convex rounding.

More particularly, in dependent claim 8, it is recited:

material of the spindle nut has been drawn or forced from radially inward to radially outward, forming the rounding.

From the foregoing in the specification and in the claims, with the method of the non-elected group of claims producing the ball screw of the elected group of claims, the special technical feature is the shape of the through opening and the manner in which that shape is achieved, respectively product and method.

The Restriction Requirement, however, says that the two groups of claims do not relate to a single general inventive concept because they lack the same or corresponding technical feature. The Examiner has denied that the method of claim 1 concerns the same technical feature as the product of claim 6. The performance of the method, as explained in the passages in the specification, produces the product. It is not simply method with steps unrelated to the product or product not made according to steps in the method claims. They are technically related, one resulting from the other. They relate to a single general inventive concept and have the same special technical feature, so that the two groups of claims should be examined together.

Respectfully submitted,

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RCF:mjw



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